

# **NH Dredge Management Task Force**

## **Meeting Minutes – January 9, 2008**

**The meeting was held on Wednesday, January 9, 2008 from 1:30 PM to 3:00 PM at the Department of Environmental Services (DES)/New Hampshire Coastal Program (NHCP) Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.**

**Introductions/Announcements**– Chairman Chris Williams asked members and guests to introduce themselves. The list of attendees follows:

### **Members:**

Steve Bird, City of Dover  
Robert Boeri, Massachusetts Office of Coastal Zone Management (MassCZM)  
Sheridan Brown, Office of Senator Sununu  
Olga Guza, Environmental Protection Agency (EPA)  
Mark Habel, U.S. Army Corps of Engineers (ACOE)  
Sarah Holmes, Office of Congresswoman Shea-Porter  
Michael Johnson, National Marine Fisheries Service (NMFS)  
Michelle Juliano, NH Department of Transportation (NHDOT)  
Clare McBane, NH Fish and Game Department (NHF&G)  
Ed O'Donnell, ACOE  
Frank Richardson, NHDES Wetlands Bureau (Wetlands)  
Richard Roach, ACOE  
Tracy Shattuck, Pease Development Authority, Division of Ports & Harbors (PDA-DPH)  
Michael Sills, NHDES Waste Management Division  
Maria Tur, U.S. Fish & Wildlife Service (USFWS)  
Mark Whittemore, NHDOT

### **Guests:**

Valerie Cappola, ACOE  
Bill Kavanaugh, ACOE  
Chris Nash, NHDES Shellfish Program  
Eric Nestler, Normandeau Associates  
Cheri Patterson, NHF&G

### **Staff:**

Chris Williams, Chairman, NH Coastal Program (NHCP)  
Mary Power, NHCP

**Legislative Update** – Sheridan Brown (Senator Sununu) stated that the Water Resources Development Act (WRDA) bill recently passed with \$23 billion for the ACOE, of which \$2.2 billion is set aside for navigational improvements. Mark Habel (ACOE) stated that there was no specific language in the WRDA bill relating to New Hampshire projects.

## **Project Updates -**

- **Cocheco River Maintenance Dredge** - Ed O'Donnell (ACOE) gave a power point presentation summarizing the ACOE's ten navigation projects in New Hampshire. With regard to the Cocheco River Maintenance Dredge project, he stated that the ACOE received an additional \$2.8 million in fiscal year 2008. The money was intended to cover the estimated \$2.1 million needed to complete dredging below the lower narrows and \$700,000 in past disposal facility user fees owed to the City of Dover. An additional \$1.1 million is needed, however, to cover all the City's disposal fees. O'Donnell stated that the ACOE would work with the City to determine how best to proceed with the available \$2.8 million. He stated that the ACOE hopes to put a contract out to bid for the third and final phase of the project. He also stated that because of the difficulties working in the Cocheco River during the dredge window (Nov. 15 – March 15), primarily due to the presence of ice, the first two phases of the project were significantly more costly than estimated. He stated that as a result, the ACOE would likely be requesting some relief from the dredge window during phase III.

- **Simplex Shoal, Piscataqua River** - Ed O'Donnell (ACOE) continued his presentation by discussing the Simplex Shoal dredging project in the Piscataqua River. The Simplex Shoal is an area in the upper part of the Piscataqua River federal navigation channel in the vicinity of the Simplex Wire and Cable Company. Sand accumulates in this area and must be dredged approximately every seven years to maintain the navigability of the channel. The area has been dredged six times in the past with the amount of material removed varying from 8,000 cubic yards to 64,000 cubic yards (average volume of material removed is approximately 35,000 cubic yards). The area was last dredged in 2000. The ACOE uses a Hopper Dredge to perform the work, which takes approximately two weeks. The material dredged from the shoal has been disposed of in one of three locations: 1) open ocean (near the Isles of Shoals); 2) upland; and 3) in river. In-river disposal has been utilized during the last three dredging operations.

O'Donnell then turned the presentation over to Bill Kavanaugh (ACOE) who stated that he was the project manager for the Simplex Shoal project when it was last dredged in 2000. He stated that the failure of state and federal resource agencies at that time to agree to a disposal alternative lead to a crisis situation. The degree of shoaling was such that river pilots were concerned that they wouldn't be able to safely navigate the shoal to deliver fuel oil and other cargo. He stated that dredging of the shoal was authorized only after the direct involvement of the Governor. He stated that his presentation was to initiate discussion of this issue to avert a similar crisis situation in the future. While the shoal is still below the 35-foot authorized channel depth, past history indicates that since it's been seven years since it was last dredged, the time to prepare is now. According to Kavanaugh, the ACOE has approximately \$630,000 to complete the project. With regard to the disposal site for the dredge material, Kavanaugh stated that the ACOE's preferred alternative is in-river because it is significantly less expensive. He reminded members that the shoal has needed to be dredged approximately every seven years regardless of whether the material was disposed of in-river or removed from the system. Discussion followed. Cheri Patterson (NHF&G) asked for details of the in-river disposal area. O'Donnell (ACOE) stated that the ACOE has surveys of the river that he will make available. He reiterated to members that it takes several months to get a dredging plan together and stressed the importance of being prepared. Discussion followed.

Chairman informed the attendees of an email from Task Force member Fred Short of UNH (not in attendance) regarding a shoaling study of the Piscataqua River dated 1996. He informed members that he'd forward it to them via electronic mail. The Chairman then asked Tracy Shattuck (PDA-

DPH) whether he'd heard anything from the river pilots regarding the degree of shoaling. Shattuck stated that the pilots have reported that the shoal is growing however it is not yet a navigation problem. Discussion followed regarding the possibility of using the materials for beach nourishment or for the proposed expansion of I-93. Olga Guza (EPA) asked whether dredging of Simplex Shoal could be considered a maintenance dredging project. If so, she suggested developing a long-term agreement between the ACOE and the state that would eliminate the need for these discussions every seven years. Kavanaugh (ACOE) stated that the ACOE has been pursuing this option for a number of years. He stated that state and federal resource agencies debated disposal alternatives for approximately two years prior to the last dredging of the shoal in 2000, yet the project itself took only three days to complete. Rich Roach (ACOE) suggested a letter be written to Governor Lynch to ask for a long-term agreement for dredging of this site. Roach asked Chairman Williams would be willing to register the ACOE's consternation with the process and the sense of frustration with the on-going discussions about whether the dredge materials that are placed in the river return to that same site. Chairman stated that he'd work with DES and NHF&G to ensure that this issue is brought to the attention of the appropriate staff at each agency. Patterson (NHF&G) said she agrees that there should be a long-term agreement regarding maintenance dredging at this location. She also said that NHF&G would need to perform some additional review of the shoal location and proposed in-river disposal site prior to any agreement. Discussion followed.

Frank Richardson (Wetlands) stated that the process to establish an agreement should include an assessment of the potential environmental impacts associated with an oil spill. Guza (EPA) asked if New Hampshire is considering a management plan for these types of maintenance dredging projects. Chairman stated that this issue has been discussed at prior Task Force meetings but efforts to create a comprehensive dredge management plan have not yet materialized. Chairman stated that the Task Force is the appropriate group to develop such a plan, and suggested more detailed discussion of this topic at a future meeting. Guza suggested that alternative uses for the dredge materials should also be discussed when the management plan is being formulated.

Chairman reminded ACOE to provide Cheri Patterson (NHF&G) with the information she requested and suggested that the ACOE also copy Mike Johnson (NMFS) on all correspondence.

- **Sagamore Creek Maintenance Dredge** – O'Donnell (ACOE) then briefly discussed the proposed maintenance dredging of Sagamore Creek. He stated that he is confident that the ACOE can provide adequate depth and avoid impacts to eelgrass beds. He stated that the clearance below the Route 1B bridge will limit the size of equipment used to dredge the creek and back channels and to transport the dredge material to the disposal site located off Wallace Sands. Discussion followed.

- **Piscataqua River Turning Basin Feasibility Study** – Mark Habel (ACOE) stated that an appropriation of \$148,000 was included in the Energy and Water Appropriations Act for FY 2008 to continue the feasibility study. This amount needs to be matched by the state. The ACOE will likely ask for at least that amount in FY 2009 to complete the feasibility study. He continued by saying that the ACOE intends to complete the feasibility study and release it for public review by the end of this calendar year. Design is anticipated for 2009 if Congressional funds are made available. Habel then gave a presentation summarizing the proposed Piscataqua River Navigation Improvement Study to widen the upper turning basin to accommodate ships currently utilizing the river and larger vessels that are anticipated to utilize the river in the future. The ACOE has conducted borings and found that the material is hard packed glacial till, comprised predominately of sand. The ACOE estimates that the project will involve removal of approximately 600,000 cubic

yards of material, of which approximately 25,000 cubic yards is ledge. Removal of the ledge will require blasting. Habel stated that the sand could be used offshore, near-shore or upland disposal. Discussion followed. Chairman stated that Fred Short of UNH had expressed concern with the potential impacts to one of the last remaining eelgrass beds in the Upper Piscataqua River adjacent to the proposed turning basin. Habel stated that he was unaware of the presence of eelgrass in the vicinity of the proposed project. Chairman stated that he'd contact Dr. Short regarding the exact location of the eelgrass bed.

- **Hampton Section 107 Feasibility Study Report (& future of Half-Tide Jetty)** – Habel (ACOE) stated that the ACOE has all the necessary federal and state funds to complete the feasibility study. The ACOE hopes it will be released by the end of spring 2008. Habel stated that the ACOE will be studying the shoaling that is occurring at the outer end of the project just inside the Route 1A bridge. He stated that the next step is complete project plans and specifications. The ACOE received \$167,000 in the FY 2008 budget to initiate and complete plans and specifications. The state's cost-share will need to be paid up front and will amount to \$18,600 in order to match the \$167,000. If all the permits are in hand, the ACOE may be able to start the design phase this summer. The ACOE will prepare the plans and specifications in the latter part of 2008 and early 2009 with the goal of completion by late spring or summer 2009 in order to begin construction in the fall of 2009. Discussion followed.

Habel was then asked if the state is going to be required to fix the Half-Tide Jetty. He stated that the ACOE and the state have begun discussions regarding this issue. The next step in the process is for the ACOE to contact UNH regarding the hydrodynamic study that UNH developed for the harbor. The ACOE hopes the study will shed some light on whether the jetty is exacerbating the movement of sediment into the channel.

### **Other Business**

- Habel continued his presentation by reviewing the **Comprehensive Upland Dredge Material Disposal Study**. Chairman stated that the state is very interested in pursuing upland disposal alternatives, however, based on the lack of funding for phase II of the study he suggested renegotiating the scope of work in order to complete a scaled-down version of phase II. Habel stated that the scope of work could be renegotiated but there are no funds to complete phase II of the study.

- Habel continued by discussing the designation of an alternative to the **Cape Arundel dredge material disposal site**. He stated that scoping for the Environmental Impact Statement (EIS) is estimated to cost \$100,000, while preparation of the EIS is estimated at \$4 to \$5 million, based on similar designations studies for Providence and Long Island. He continued by stating that the Cape Arundel site closed in January 2010. After that date, any dredging project in southern Maine or New Hampshire requiring offshore disposal will have to haul dredge material to the Portland or Massachusetts Bay disposal sites.

- **FY09 Projects and Priorities** – Chairman Williams stated that a meeting will take place in February between the state, the ACOE and the Congressional delegation to discuss FY 2009 projects and priorities. He stated that for FY 2008 the state's priority projects were: 1) Piscataqua River Turning Basin; 2) Hampton Harbor Section 107 Feasibility Study; 3) Cocheco River Maintenance Dredging; 4) Jetty Maintenance at Little Harbor; and 5) Ocean Disposal Site

Designation Study. These projects and others will be discussed at the meeting to determine the state's FY 2009 priorities.

- **Little Harbor and Rye Harbor Hydrographic Condition Surveys** – Chairman asked ACOE if they had any updates on the Little Harbor and Rye Harbor Condition Surveys. O'Donnell (ACOE) stated that he did not have any updates but would report back on the status of both surveys.

- **Transient Anchorages/Guest Moorings & Harbor Management** – Rich Road (ACOE) stated there is pressure from local populations to permit additional moorings to the detriment of the transient boater. He suggested that New Hampshire think about harbor management. He is concerned that the regulatory mechanism alone isn't adequate to assure the future of our harbors and estuaries, and sees the cumulative effect as a threat to the natural resources and to the enjoyment of the waterways. He also believes that Little Harbor is a possible place to develop an anchorage for visiting or transient moorings, keeping it free of locally owned moorings. Roach continued by saying that he thinks the regulators should have a plan in place that clearly defines which parts of the waterways can be used for moorings and docks and which will be conserved and remain free of encroachment. O'Donnell (ACOE) said that Roach encouraged legislation to be passed in Connecticut that created a harbor management plan that enables the state to accommodate a mix of commercial, recreational and conservation uses. O'Donnell asked whether the state of New Hampshire could provide funds to towns for harbor management. Frank Richardson (Wetlands) stated that while it is a good idea to limit impact upon natural resources, it is extremely difficult to implement from a regulatory perspective unless you have a statutory basis for the limitations. Any harbor management plan would have to be a statutorily-based regulation, such as the Wetlands Bureau's Prime Wetlands regulations. He continued by saying that if activities are denied due to potential cumulative impacts, litigation will surely result.

Chairman Williams stated that the NHCP, the DES Shellfish Program and Fred Short of UNH met with PDA-DPH in November to discuss the placement of environmentally-friendly moorings and potential limitations on mooring placement. Specifically, the group discussed whether PDA-DPH had the ability to require installation of environmentally-friendly mooring tackle for moorings located in or adjacent to eelgrass beds and whether limitations could be placed on moorings located in close proximity to known shellfish beds.

Mike Johnson (NMFS) asked if the PDA-DPH currently has a plan for managing the harbors for things like moorings or access. Tracy Shattuck (PDA-DPH) stated that PDA-DPH has administrative rules regulating the placement of moorings. He continued by saying that since many of NH's harbors are essentially saturated with moorings, the majority of mooring permits currently granted by PDA-DPH are for existing moorings that people have given up, not new moorings. Discussion followed. Chairman suggested that the Task Force create a subcommittee to discuss harbor management issues. He stated that the NHCP would help facilitate the process. Johnson (NMFS) nominated Roach (ACOE) as chairman of the subcommittee. The nomination was seconded by Richardson (Wetlands).

- **Schedule next meeting** - The next DMTF meeting was scheduled for March 26, 2008 at 1:30 PM at the DES Pease Field Office in Portsmouth. Chairman informed attendees that Ed O'Donnell's and Mark Habel's presentations would be posted on the Task Force's web site at <http://des.nh.gov/Coastal/DMTFminutes.htm>.

Meeting adjourned 3:30 P.M.